

06-15-2004 TDavis.txt

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1 IN THE CIRCUIT COURT
2 FOR
3 MONTGOMERY COUNTY, ALABAMA
4
5 THEODORE DAVIS,
6 Plaintiff,
7 Vs. CIVIL ACTION NO.
 CV-04-370
8
9 ARMSTRONG RELOCATION, LLN,
10 EDNA DUMAS, et al.,
11 Defendants.

12 * * * * *

13 DEPOSITION OF THEODORE DAVIS, taken
14 pursuant to stipulation and agreement before
15 Patricia G. Starkie, Registered Diplomate Reporter,
16 CRR, and Commissioner for the State of Alabama at
17 Large, in the Law Offices of Capell & Howard, 150
18 South Perry Street, Montgomery, Alabama, on
19 Tuesday, June 15, 2004, commencing at approximately
20 9:20 a.m.

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22 VOLUME I

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1 APPEARANCES
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6 APPEARING ON BEHALF OF THE DEFENDANT DUMAS:
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* * * * *

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STIPULATION

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It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of:

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THEODORE DAVIS

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is taken pursuant to the Alabama Rules of Civil
Procedure and that said deposition may be taken
before Patricia G. Starkie, Registered Diplomat
Reporter, CRR, and Commissioner for the State of
Alabama at Large, without the formality of a
commission;

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That objections to questions other than
objections as to the form of the question need not
be made at this time but may be reserved for a
ruling at such time as the said deposition may be
offered in evidence or used for any other purpose
by either party provided for by the Statute.

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It is further stipulated and agreed by and
between counsel representing the parties in this
case that the filing of said deposition is hereby
waived and may be introduced at the trial of this
case or used in any other manner by either party
hereto provided for by the statute regardless of

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the waiving of the filing of the same.

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It is further stipulated and agreed by and
between the parties hereto and the witness that the

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4 So she said, you're going to get out of
5 here. I have the deeds to this house. You
6 don't have any proof at all. And I said,
7 oh, yes, I do. I said, I know I've been
8 living here, I said, and you're not going
9 to put me out of here like this. I said,
10 what are you trying to do?

11 So the guys came in I guess as a
12 threat. And so I said, well, I'm going to
13 call the police. well, you call the
14 police. The police can't do anything about
15 this because I've got my proof right here.

16 So I think at that time, I think I did
17 call the police. And so she told me I had
18 to get out. While he was on his way, they
19 were still telling me to get out of the
20 house. And I told them -- I said, I'm not
21 going anywhere, I said, and we'll
22 straighten this out. I said, you guys are
23 going to get out of here.

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1 So the police came, and so we told the
2 police what was going on. And so she had
3 the deed, and she handed him the deed. And
4 so I told him, I said, yeah, but she has
5 the other paperwork, too, I said, because
6 I'm buying this from her. And she made --
7 he's not buying a damn thing from me. And
8 this is my house, I have the deeds, and I
9 have the right to put him out.

10 So I said, well, even if that were so,

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11 you don't have the right to put me out. I
12 said, I don't have to go anywhere right
13 now. I said, you would have to go through
14 a procedure to put me out of here. I said,
15 but I don't want any trouble. I said, I've
16 got good neighbors. I don't even want them
17 to know what's going on. She said she
18 didn't give a damn about that; all she
19 wanted was my ass out.

20 So the nephew was in the background,
21 telling me I had to get out, and he was
22 threatening. So because of her and my
23 relationship, I didn't say a thing to him.

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1 I just let him talk.

2 And then I got phone calls from the
3 daughter. The daughter called and said,
4 what's this? You remember telling me
5 that -- at one time that you were buying
6 this house from my mom? Because she had
7 given me a lot of problems before. So I
8 just told her what was happening. I said,
9 now, your mom and I had an agreement. I'm
10 buying this house.

11 And so on the phone, she reminded me of
12 that. She said, you remember telling me
13 that you were buying the house from my
14 mom? Well, what's this stuff about? My
15 mom has the deeds to the house, and my mom
16 said that she owns the house. And so she
17 said, you're going to get yours, so on,